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MITIGATED NEGATIVE DECLARATION

Project Name: Embly Subdivision

Project Number(s): GPA 07-007; REZ 07-004; TPM21062; AP 07-001; ER 07-08-003

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
 2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. AGRICULTURE (HAZARDOUS MATERIALS)

2. Prior to approval of any grading and or improvement plans, or issuance of any construction or building permit, the applicant shall provide to the satisfaction of the Director of Planning and Land Use, a signed and stamped certification letter from a Registered Engineer or Professional Geologist stating, "A Phase I and Limited Phase II Environmental Site Assessment (ESA) has been prepared for the site." The certification letter and assessments shall include the following information:
 - a. That the limited Phase II included shallow soil sampling between six inches to 2-3 feet in depth, in areas of the site where future exposure is likely to occur (such as around proposed house pads), and in the areas of the site with the highest likelihood for contamination, such as around chemical/ pesticide/ fuel storage areas and among agricultural crops.
 - b. The letter shall identify whether onsite soils exceed regulatory screening levels for pesticides, petroleum, heavy metals, or other contaminants.
 - c. The certification letter shall indicate that there is no presence of soil contamination in excess of regulatory screening levels or that site remediation is required.
 - d. If site remediation is required, it shall be performed under the oversight of the registered engineer or professional geologist and the DEH Voluntary Assistance Program (VAP). Grading required to implement the site remediation activities is permitted. This requirement may be deferred to the satisfaction of the Director of Planning and Land Use as long as remediation plan is approved to the satisfaction of the Director of Environmental Health and the remediation work is secured with a cash deposit or security bond for the amount of work to be completed.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

1. SIGHT DISTANCE [DPW]

- a. Have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Summit Drive from the proposed private easement road, based on actual measured site distance and prevailing traffic speeds per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999), or to the satisfaction of the Director of Public Works. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required.

2. PRIVATE ROAD EASEMENTS [DPW] [FIRE]

- a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac or a hammerhead turnaround located at the terminus of the proposed private easement road, to the satisfaction of the Escondido Fire Department and the County of San Diego, Director of Public Works. [FIRE]
- b. The Parcel Map shall show a forty-foot (40') wide private road easement along and centered on the proposed private easement road onsite.
- c. The proposed private easement road shall intersect Summit Drive within twenty degrees (20°) of perpendicular.

3. ROAD DEDICATIONS [DPW]

- a. The Parcel Map shall show twenty foot (20') radius returns at the intersection of Summit Drive and the proposed private road easement on-site.

- b. Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width on the project side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for **Summit Drive**, including a twenty-foot (20') radius property line corner rounding at the street intersection. The Parcel Map shall be prepared to show the offer being accepted.
- c. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705 (a) of the County Code, at the time of recordation of the Parcel Map.
- d. The subdivider shall relinquish access rights into Summit Drive, except for the proposed private easement road opening.

4. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/
DEVELOPMENT IMPACT FEES [DPW]

- a. The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- b. The subdivider shall sign a covenant agreeing not to oppose the formation of a Road Improvement District (RID).
- c. The subdivider shall provide for maintenance of the proposed on-site private street that serves the project through a private road maintenance agreement.

5. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following:

Pacific Bell, Olivenhain Municipal Water District, Yucca Mutual Water Company, and Rainbow Municipal Water District. [DPW]

- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]
- c. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- d. Certification by the Department of Environmental Health with respect to water supply and sewage disposal shall be shown on the Parcel Map. [DPLU]
- e. Prior to the approval of the Parcel Map, a corrected copy of this Tentative Parcel Map, which contains the complete requirements of the Department of Environmental Health as to sewage requirements, shall be filed with the Department of Environmental Health. [DPLU]

1. PUBLIC ROAD IMPROVEMENTS [DPW]

- a. **Summit Drive** shall be improved in accordance with Public Road Standards for a Residential Collector to a one-half graded width of thirty-feet (30') with twenty-feet (20') of asphalt concrete pavement over approved base with asphalt concrete dike and five-foot (5') disintegrated granite pathway, with face of dike at twenty feet (20') from centerline to the satisfaction of the Director of Public Works.
- b. All new and existing utility distribution facilities, including cable television lines, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters, berms and/or sidewalks.

- c. Portland cement concrete cross gutters shall be constructed where water crosses the roadways.
- d. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Director of Public Works.
- e. Install all street name signs.
- f. A construction permit shall be obtained for the work within the right-of-way.
- g. Plans for public road improvements shall be prepared by a Registered Civil Engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:
 - 1. Street alignment and grade, including the change of any existing or proposed street alignment and grade, shall be as required by the County of San Diego, Director of Public Works.
 - 2. Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
 - 3. Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Director of Public Works.

2. PRIVATE ROAD IMPROVEMENTS [DPW] [FIRE]

- a. The **cul-de-sac** shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), or the hammerhead turnaround shall be graded and improved with asphalt concrete, to the satisfaction of the Escondido Fire Department and the County of San Diego, Director of Public Works. [FIRE]
- b. The **proposed private easement road** shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one

hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.

- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Streets.
- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blue-line plans, and post an inspection deposit.
- e. A street name sign, with a County approved street name, shall be installed and located at the intersection of the proposed private easement road and Summit Drive per San Diego County Design Standards DS-13.
- f. The to-be-named private easement road shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the Escondido Fire Department. [FIRE]
- g. A Registered Civil Engineer or a Licensed Land Surveyor shall provide a signed statement that: "The private easement road, including all slopes and the cul-de-sac or hammerhead turnaround, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and the engineer or surveyor shall further certify that: "A letter of permission has been obtained for work outside of the easement limits."
- h. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.

- i. The structural section, both new and existing, for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Streets.
- j. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.
- k. A Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor shall provide a signed statement that: "Physically, there is adequate unobstructed sight distance in both directions from the private easement road along Summit Drive, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards." The currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

3. BIOLOGICAL REQUIREMENTS [DPLU]

- a. Prior to the approval of any grading, improvement, or building plans and issuance of any permit, provide evidence to the satisfaction of the Director of Planning and Land Use or Public Works, that the following specific environmental notes have been placed on any of the following plans as applicable: grading, and or improvement plans, and or building plans:

"Restrict all brushing, clearing and/or grading such that none will be allowed during the breeding season of raptors and migratory birds. This is defined as occurring between February 1 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nesting raptors and migratory birds are present in the vicinity of the brushing, clearing or grading."

4. CULTURAL RESOURCE REQUIREMENTS: [DPLU]

- a. Prior to approval of any grading or improvement plans, or issuance of any grading permits or construction permits, the applicant shall implement the following conditions relating to the grading monitoring program, to mitigate potential impacts to undiscovered buried archaeological resources on the Project site. The following conditions shall be implemented to the satisfaction of the Director of the Department of Planning and Land Use: **[DPLU, FEE X2]**
 - (1) Provide evidence that a County approved archaeologist ("Project Archaeologist") has been contracted to implement a grading monitoring and potential data recovery program that complies with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, to the satisfaction of the Director of Planning and Land Use. Also, provide evidence that a Native American Monitor has been contracted to monitor grading, or evidence that no Native American Monitor was available, in which case the Project Archaeologist shall perform that function.
 - (2) The Contract shall include a cost estimate of the required monitoring; this estimate shall be submitted to the Director of Public Works and included in the Bond Cost Estimate for the required Grading.
- b. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) and/or the Director of Planning and Land Use that the following "Specific Environmental Notes" have been placed on the grading, and/or improvement plans: **[DPLU, FEE]**
 - (1) "The County approved Project Archaeologist, the Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program." **[DPLU, FEE]**
 - (2) "The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously

- undisturbed deposits in all areas identified for development including off-site improvements.”
- (3) “During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.”
- (4) “In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the designated Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.”
- (5) “If any human bones are discovered, the Project Archaeologist shall contact the County Coroner. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.”
- (6) “The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The

reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.” **[DPLU, FEE]**

- (7) “Prior to rough grading inspection sign-off for each phase, the Project Archaeologist shall provide evidence that the field grading monitoring activities have been completed. Evidence shall be in the form of a letter to the Director of the Department of Planning and Land Use.” **[DPLU, FEE]**
- (8) “Prior to Final Grading Release for each phase, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:” **[DPLU, FEE X2]**
 - (a) “Department of Parks and Recreation Primary and Archaeological Site forms.”
 - (b) “Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.”
 - (c) “If no cultural resources are discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Archaeologist.”

Negative Declaration

- 12 -

March 23, 2009

Embly Subdivision; GPA 07-007; REZ 07-004;
TPM 21062; AP 07-001; ER 07-08-003

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and
above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Project Planning Division